

EXHIBIT 2

Franklin County Superior Court

Judgment 07CRS051986

STATE OF NORTH CAROLINA

FRANKLIN County LOUISBURG

Seat of Court

NOTE: [This form is to be used for (1) felony offense(s), and (2) misdemeanor offense(s), which are consolidated for judgment with any felony offense(s). Use AOC-CR-310 for DWI offense(s).]

No.

07CRS051986

51

In The General Court Of Justice

☐ District ☒ Superior Court Division

STATE VERSUS

Name Of Defendant

WHITE, JONATHAN

Race

B

Sex

M

DOB

1956

Attorney For State

PEEBLES, KRISTIN, W

☐ Def. Found
Not Indigent

☐ Def. Waived
Attorney

Attorney For Defendant

WILLIAMSON, JOHN, P

☒ Appointed ☐ Retained

The defendant ☒ pled guilty to ☐ was found guilty by a jury of ☐ pled no contest to

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL.
07CRS051986	51	PWISD COCAINE	7/6/2007	90-95(A)	F	H

The Court:

- ☒ 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be 6. Any prior record level point under G.S. 15A-1340.14(b)(7) is based on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.

PRIOR RECORD LEVEL: ☐ I ☒ III ☐ V
☐ II ☐ IV ☐ VI

- ☐ 2. makes no prior record level finding because none is required.

The Court (NOTE: Block 1 or 2 MUST be checked.):

- ☒ 1. makes no written findings because the prison term imposed is within the presumptive range of sentences authorized under G.S. 15A-1340.17(c).
- ☐ 2. makes the aggravating and mitigating factors Determination as set forth on the attached AOC-CR-605.
- ☐ 3. makes the Findings of Extraordinary Mitigation set forth on the attached AOC-CR-606.
- ☐ 4. finds the defendant has provided substantial assistance pursuant to G.S. 90-95(h)(5).
- ☐ 5. finds enhanced punishment pursuant to: ☐ G.S. 90-95(e)(3) (drugs). ☐ G.S. 14-3(c) (hate crime). ☐ G.S. 50B-4.1 (domestic violence).
☐ Other: _____ . This finding is based on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.
- ☐ 6. imposes the punishment pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A.
- ☐ 7. finds the above designated offense(s) is a reportable conviction. G.S. 14-208.6.
☐ a. and finds the defendant ☐ has ☐ has not been classified as a sexually violent predator. G.S. 14-208.6.
☐ b. and finds the defendant ☐ is ☐ is not a recidivist. G.S. 14-208.6.
☐ c. and finds the above designated offense(s) ☐ is ☐ is not an aggravated offense. G.S. 14-208.6.
☐ d. and finds the above designated offense(s) ☐ is ☐ is not an offense against a minor. G.S. 14-208.6.
- ☐ 8. finds that a ☐ motor vehicle ☐ commercial motor vehicle was used in the commission of the offense and this conviction shall be reported to DMV
- ☐ 9. finds this is an offense involving assault or communicating a threat, and the defendant had a personal relationship as defined by G.S. 50B-1(b) with the victim.

The Court, having considered evidence, arguments of counsel and statement of defendant, Orders that the above offenses, if more than one, be consolidated for judgment and the defendant be imprisoned

for a minimum term of 10 months for a maximum term of 12 months in the custody of N.C. DOC.

☐ This sentence shall run at the expiration of sentence imposed in file number _____.

The defendant shall be given credit for 68 days spent in confinement prior to the date of this Judgment as a result of this charge(s) to be applied toward the ☒ sentence imposed above. ☐ imprisonment required for special probation set forth on AOC-CF-603, Page Two.

SUSPENSION OF SENTENCE

Subject to the conditions set out below, the execution of this sentence is suspended and the defendant is placed on ☒ supervised ☐ unsupervised probation for 36 months.

- ☐ 1. The Court finds that a ☐ longer ☐ shorter period of probation is necessary than that which is specified in G.S. 15A-1343.2(d).
- ☐ 2. The Court finds that it is NOT appropriate to delegate to the Division of Community Corrections in the Department of Correction the authority to impose any of the requirements in G.S. 15A-1343.2(e) if the offender is sentenced to a community punishment, or G.S. 15A-1343.2(f) if the offender is sentenced to an intermediate punishment.
- ☐ 3. The above period of probation shall begin when the defendant is released from incarceration in the case referred to below.
- ☐ 4. The above period of probation shall begin at the expiration of the sentence in the case referred to below.

File Number	Offense	County	Court	Date
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- ☐ 5. The defendant shall comply with the conditions set forth in file number _____.
- ☒ 6. The defendant shall provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319 required)
- ☐ 7. The defendant ☐ is not required to submit to satellite-based monitoring. ☐ shall submit to satellite-based monitoring as indicated on the attached AOC-CR-615.

MONETARY CONDITIONS

The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below, plus the probation supervision fee, pursuant to a schedule ☒ determined by the probation officer. ☐ set out by the court as follows:

Court Costs	Miscellaneous	Fine	Restitution*	Attorney's Fee	Comm. Service Fee	EHA Fee	GPS Fee	Total Amount Due
\$ 880.50	\$ 50.00	\$ 250.00	\$ 0.00	\$ 450.00	\$ 200.00	\$ 0.00	\$ 0.00	\$ 1,380.50

*See attached "Restitution Worksheet, Notice And Order (Initial Sentencing)" AOC-CR-611, which is incorporated by reference.

- ☐ All payments received by the Clerk shall be distributed pro rata among the persons entitled to restitution in this priority, first among all persons entitled to restitution, and before payment of community service and probation supervision fees.
- ☐ Upon payment of the "Total Amount Due", the probation officer may transfer the defendant to unsupervised probation.

AOC-CR-603, Rev. 12/07

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Material opposite unmarked squares is to be disregarded as surplusage.

(Over)

TRUE COPY
PATRICIA BURNETT, CLERK OF SUPERIOR COURT
FRANKLIN COUNTY
Jonas Curnn
Assistant Deputy Clerk Superior Court

REGUL CONDITIONS OF PROBATION - G.S. 1 1343(b)

NOTE: Any probationary judgment may be extended pursuant to G.S. 15A-1342. The defendant shall: (1) Commit no criminal offense in any jurisdiction. (2) Possess no firearm, explosive device or other deadly weapon listed in G.S. 14-269. (3) Remain gainfully and suitably employed or faithfully pursue a course of study or vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) Satisfy child support and family obligations, as required by the Court.

If the defendant is on supervised probation, the defendant shall also: (5) Remain within the jurisdiction of the Court unless granted written permission to leave by the Court or the probation officer. (6) Report as directed by the Court or the probation officer to the officer at reasonable times and places and in a reasonable manner, permit the officer to visit at reasonable times, answer all reasonable inquiries by the officer and obtain prior approval from the officer for, and notify the officer of, any change in address or employment. (7) Notify the probation officer if the defendant fails to obtain or retain satisfactory employment. (8) At a time to be designated by the probation officer, visit with the probation officer a facility maintained by the Division of Prisons. If the defendant is to serve an active sentence as a condition of special probation, the defendant shall also: (9) Obey the rules and regulations of the Department of Correction governing the conduct of inmates while imprisoned. (10) Report to a probation officer in the State of North Carolina within seventy-two (72) hours of the defendant's discharge from the active term of imprisonment.

- ☐ 11. The Court finds that the defendant is responsible for acts of domestic violence and ☐ there is an abuser treatment program, approved by the Domestic Violence Commission, reasonably available to the defendant, and the defendant shall attend and complete that program. ☐ there is not an approved abuser treatment program reasonably available. ☐ it would not be in the best interests of justice to order the defendant to complete an abuser treatment program because _____

NOTE: See Page Two, Side Two, for Additional Conditions For Persons Convicted Of Domestic Violence.

SPECIAL CONDITIONS OF PROBATION - G.S. 15A-1343(b1), 143B-262(c)

The defendant shall also comply with the following special conditions which the Court finds are reasonably related to the defendant's rehabilitation:

- ☐ 12. Surrender the defendant's drivers license to the Clerk of Superior Court for transmittal/notification to the Division of Motor Vehicles and not operate a motor vehicle for a period of _____ or until relicensed by the Division of Motor Vehicles, whichever is later.
- ☒ 13. Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, and of the defendant's vehicle and premises while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision:
☒ stolen goods ☒ controlled substances ☒ contraband ☐ child pornography ☐ _____
- ☒ 14. Not use, possess or control any illegal drug or controlled substance unless it has been prescribed for the defendant by a licensed physician and is in the original container with the prescription number affixed on it; not knowingly associate with any known or previously convicted users, possessors or sellers of any illegal drugs or controlled substances; and not knowingly be present at or frequent any place where illegal drugs or controlled substances are sold, kept or used.
- ☒ 15. Supply a breath, urine and/or blood specimen for analysis of the possible presence of a prohibited drug or alcohol, when instructed by the defendant's probation officer.
- ☐ 16. Successfully pass the General Education Development Test (G.E.D.) during the first _____ months of the period of probation.
- ☒ 17. Complete 50 hours of community or reparation service during the first 180 days of the period of probation, as directed by the community service coordinator and pay the fee prescribed by G.S. 143B-262.4(b). ☒ pursuant to the schedule set out under monetary conditions above. ☐ within _____ days of this Judgment and before beginning service.
- ☐ 18. Report for initial evaluation by _____ participate in all further evaluation, counseling, treatment or education programs recommended as a result of that evaluation, and comply with all other therapeutic requirements of those programs until discharged.
- ☐ 19. Not assault, threaten, harass, be found in or on the premises or workplace of, or have any contact with _____ "Contact" includes any defendant-initiated contact, direct or indirect, by any means including but not limited to telephone, personal contact, e-mail, pager, gift-giving, telefacsimile machine or through any other person, except _____
- ☐ 20. Other: _____

- ☒ 21. Comply with the Special Conditions Of Probation - Intermediate Punishments - Contempt which are set forth on AOC-CR-603, Page Two.

- ☒ A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender.

ORDER OF COMMITMENT/APEAL ENTRIES

- ☐ 1. It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.
- ☐ 2. The defendant gives notice of appeal from the judgment of the trial court to the appellate division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.

SIGNATURE OF JUDGE

Date <u>2/20/2008</u>	Name Of Presiding Judge (Type Or Print) <u>PAUL G. GESSNER</u>	Signature Of Presiding Judge 
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CERTIFICATION

I certify that this Judgment and the attachment(s) marked below is a true and complete copy of the original which is on file in this case.

- | | |
|---|---|
| <input type="checkbox"/> 1. Appellate Entries (AOC-CR-350) | <input type="checkbox"/> 5. Restitution Worksheet, Notice And Order [Initial Sentencing] (AOC-CR-611) |
| <input type="checkbox"/> 2. Judgment Suspending Sentence, Page Two (Special Conditions Of Probation) (AOC-CR-603, Page Two) | <input type="checkbox"/> 6. Judicial Findings As To Required DNA Sample (AOC-CR-319) |
| <input type="checkbox"/> 3. Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605) | <input type="checkbox"/> 7. Judicial Findings And Order As To Satellite-Based Monitoring For Sex Offenders - Lifetime Monitoring/Judicial Findings And Order As To Satellite-Based Monitoring For Sex Offenders - Court-Determined Monitoring Period (AOC-CR-615) |
| <input type="checkbox"/> 4. Extraordinary Mitigation Findings (AOC-CR-606) | |

Date Of Certification _____	Signature _____	SEAL
Date Certified Copies Delivered To Sheriff _____	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	

Name Of Defendant

WHITE, JONATHAN

INTERMEDIATE PUNISHMENTS - CONTEMPT

NOTE: Use this page in conjunction with AOC-CR-310, "Impaired Driving - Judgment Suspending Sentence"; AOC-CR-603, "Judgment Suspending Sentence - Felony"; or AOC-CR-604, "Judgment Suspending Sentence - Misdemeanor(s)"; or AOC-CR-609, "Order On Violation Of Probation Or On Motion To Modify."

In addition to complying with the regular and any special conditions of probation set forth in the "Judgment Suspending Sentence" entered in the above case(s), the defendant shall also comply with the following special conditions of probation and conditions of special probation, which are defined as intermediate punishments by G.S. 15A-1340.11(6).

- ☐ 1. **Special Probation - G.S. 15A-1351** ☐ **Contempt - G.S. 15A-1344(e1) and 5A-11(a)**
- ☐ A. Serve an active term of _____ ☐ days ☐ months ☐ hours in the custody of ☐ N.C. DOC. ☐ Sheriff of this County.
- ☐ B. The defendant shall report in a sober condition to begin serving his/her term on:
- | | | | | | | | | |
|-----|------|------|--|------------------------------------|-----|------|------|--|
| Day | Date | Hour | <input type="checkbox"/> AM
<input type="checkbox"/> PM | and shall remain in custody until: | Day | Date | Hour | <input type="checkbox"/> AM
<input type="checkbox"/> PM |
|-----|------|------|--|------------------------------------|-----|------|------|--|
- ☐ C. The defendant shall again report in a sober condition to continue serving this term on the same day of the week for the next _____ consecutive weeks, and shall remain in custody during the same hours each week until completion of the active sentence ordered.
- ☐ D. This sentence shall be served at the direction of the probation officer within _____ ☐ days ☐ months of this judgment.
- ☐ E. Pay jail fees.
- ☐ F. Work release is recommended.
- ☐ G. A DOC substance abuse treatment unit is recommended G.S. 15A-1351(h) (applies only to offenses committed before December 1, 2003)
- ☐ H. Other:

- ☐ 2. **Residential Program - G.S. 15A-1340.11(8); 15A-1343(b1)(2)**
- Attend or reside in _____ (name program) residential program for a period of _____ ☐ days, ☐ months, and abide by all rules and after care regulations of that program.
- Other:

- ☐ 3. **House Arrest With Electronic Monitoring - G.S. 15A-1340.11(4a); 15A-1343(b1)(3c)**
- Be assigned to house arrest with electronic monitoring for a period of _____ ☐ days ☐ months, and submit to electronic monitoring and abide by all rules, regulations and directions of the probation officer, regarding electronic monitoring, and pay the fee prescribed under G.S. 15A-1343.(c2) pursuant to the schedule set out under Monetary Conditions.
- Other:

- ☒ 4. **Intensive Supervision Program - G.S. 15A-1340.11(5); 15A-1343(b1)(3b); 143B-262(c)**
- Submit to supervision by officers assigned to the Intensive Probation Program established pursuant to G.S. 143B-262(c), for a period of 6 months, (6 to 9 months recommended by the Division of Community Corrections), and comply with the rules adopted by that program.
- Other:

- ☐ 5. **Day-Reporting Center - G.S. 15A-1340.11(3); 15A-1343(b1)(10); 15A-1340.11(6)**
- Report as directed by the probation officer to the Day Reporting Center for a period of _____ ☐ days, ☐ months, and abide by all rules and regulations of that program.
- Other:

- ☐ 6. **Drug Treatment Court - G.S. 15A-1340.11(3a); 15A-1340.11(6)**
- Comply with the rules adopted for the program as provided for in Article 62 of Chapter 7A of the General Statutes and report on a regular basis for a specified time to participate in court supervision, drug screening or testing, and drug or alcohol treatment programs.
- Other:

A TRUE COPY
PATRICIA BURNETTE CHASTAIN
CLERK OF SUPERIOR COURT
FRANKLIN COUNTY

BY Jonny S. Curran
Assistant Deputy Clerk Superior Court

MANDATE () SPECIAL CONDITIONS FOR SEX OFFENDERS AND PERSONS CONVICTED OF OFFENSES INVOLVING PHYSICAL, MENTAL, OR SEXUAL ABUSE OF A MINOR - G.S. 15A-1343(b2)

NOTE: For sex offenders and persons convicted of offenses involving the physical, mental, or sexual abuse of a minor, one of the following must be selected.

NOTE: The following are not defined as intermediate punishments under G.S. 15A-1340.11(6).

☐ **7. Special Conditions For Reportable Offenses - G.S. 15A-1343(b2)**

The defendant has been convicted of an offense which is a reportable conviction as defined in G.S. 14-208.6(4), and must

1. Register as required by G.S. 14-208.7.
2. Participate in such evaluation and treatment as is necessary to complete a prescribed course of psychiatric, psychological, or other rehabilitative treatment as ordered by the court.
3. Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.
4. Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, of the defendant's vehicle and premises, and of the defendant's computer or other electronic mechanism which may contain electronic data, while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision: ☐ child pornography

- ☐ 5. Submit to satellite-based monitoring for the defendant's natural life. (AOC-CR-615 required)
6. Other: _____

☐ **8. Special Conditions For Offenses Involving The Sexual Abuse Of A Minor - G.S. 15A-1343(b2)**

NOTE: If the offense is one in which there is evidence of sexual abuse of a minor, the defendant may not reside in a household with any minor child. G.S. 15A-1343(b2)(4).

The defendant has been convicted of an offense which involves the sexual abuse of a minor and must

1. Register as required by G.S. 14-208.7 if the offense is a reportable conviction as defined by G.S. 14-208.6(4).
2. Participate in such evaluation and treatment as is necessary to complete a prescribed course of psychiatric, psychological, or other rehabilitative treatment as ordered by the court.
3. Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.
4. Not reside in a household with any minor child.
5. Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, of the defendant's vehicle and premises, and of the defendant's computer or other electronic mechanism which may contain electronic data, while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision: ☐ child pornography

- ☐ 6. Submit to satellite-based monitoring for the defendant's natural life. (AOC-CR-615 required)
- ☐ 7. Submit to satellite-based monitoring for (specify length of time) _____. (AOC-CR-615 required)
8. Other: _____

☐ **9. Special Conditions For Offenses Involving The Physical Or Mental Abuse Of A Minor - G.S. 15A-1343(b2)**

NOTE: If the offense is one in which there is evidence of physical or mental abuse of a minor, the defendant may not reside in a household with any minor child unless the court expressly finds (1) that it is unlikely that the defendant's harmful or abusive conduct will recur and (2) that it would be in the minor child's best interest to allow the defendant to reside in the same household with a minor child. G.S. 15A-1343(b2)(5).

The defendant has been convicted of an offense which involves the physical or mental abuse of a minor and must

1. Register as required by G.S. 14-208.7 if the offense is a reportable conviction as defined by G.S. 14-208.6(4).
2. Participate in such evaluation and treatment as is necessary to complete a prescribed course of psychiatric, psychological, or other rehabilitative treatment as ordered by the court.
3. Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.
4. Not reside in a household with any minor child other than the child(ren) named below. If there is a child(ren) named below, the court expressly finds that it is unlikely that the defendant's harmful or abusive conduct will recur and that it would be in the best interest of the child(ren) named below to reside in the same household with the probationer. (Name minor child(ren) with whom the probationer may reside in the same household.) _____
5. Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, of the defendant's vehicle and premises, and of the defendant's computer or other electronic mechanism which may contain electronic data, while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision: ☐ child pornography

- ☐ 6. Submit to satellite-based monitoring for the defendant's natural life. (AOC-CR-615 required)
- ☐ 7. Submit to satellite-based monitoring for (specify length of time) _____. (AOC-CR-615 required)
8. Other: _____

OTHER SPECIAL CONDITIONS

☐ **10. Other Special Conditions:**

ADDITIONAL CONDITIONS FOR PERSONS CONVICTED OF A DOMESTIC VIOLENCE OFFENSE

The defendant shall

- ☐ A. not come within _____ feet of _____ at any time.
- ☐ B. fully comply with any 50B Domestic Violence Protective Order in effect.

The above conditions are incorporated in the "Judgment Suspending Sentence" in the above case(s) and made a part thereof.

Date	Name Of Presiding Judge (Type Or Print)	Signature Of Presiding Judge
02/20/08	PAUL G. GESSNER	